

Notice of Allowability

Application No.

09/259,619

Examiner

Ella Colbert

Applicant(s)

TIMOTHY LABADIE

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07 July 2007.
2. ☒ The allowed claim(s) is/are 1-4, 8-11, 13, 14, 16 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Claims 1-4, 8-11, 13, 14, 16, and 17 are pending. Claims 1, 2, and 10 have been amended in this communication filed 07/07/07 entered as Amendment After Final and Advisory and RCE with an Extension of Time.
2. The Finality of the Office Action is hereby withdrawn in view of the new Office Action here below.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/7/07 has been entered.

Allowable Subject Matter

4. Claims 1-4, 8-11, and 13-17 are allowed.

The following is an examiner's statement of reasons for allowance: An Internet check payment computer system with a processor computer determining whether check payment for the product should be accepted based on the probability of the payment being honored, produces and authorization indication, and upon the authorization indication indicating that check payment should be accepted, transmits the authorization indication to the merchant computer and generates a printed check with the customer's name, the third party bank name, a check

amount, and bank routing information. Even though, the prior art teaches an internet check payment computer system with a processor computer for check payment for the product, the prior art fails to teach or render obvious the instant invention which appears to be beyond the skill of one of ordinary skill in the art. Accordingly the invention would NOT have been obvious because one of ordinary skill could not have been expected to achieve the method of an Internet check payment computer system with a processor computer determining whether check payment for the product should be accepted based on the probability of the payment being honored, produces and authorization indication, and upon the authorization indication indicating that check payment should be accepted, transmitting the authorization indication to the merchant computer and generating a printed check with the customer's name, the third party bank name, a check amount, and bank routing information, NOR would they have been able to predict the results, and as such, they would have had no capability of expecting success. For these reasons claim 1 is deemed allowable over the prior art of record, and claims 2-4, 8-11, 13, 14, 16, and 17 are allowed by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

John Doggett; "Electronic Checks-A Detailed Preview" disclosed making a purchase with an electronic check.

Wallys W. Conhaim; "E-Commerce: Link-up"; disclosed Internet shopping and using CyberCash.

Stinson et al (US 6,856,965) disclosed a check reader configured to receive and read a check to be processed and the capability to determine whether to accept or reject the check.

Doggett et al. (US 5,677,955) disclosed check imaging which involves the scanning of a paper check by a scanner which digitizes the image and stores it electronically in memory and can be substituted for the physical delivery of the check to truncate the clearing process.

Nickols et al. (US 2001/0037299) disclosed electronic and "paperless" reliance on accepting and processing commercial bank drafts and the physical handling of bank drafts, and transactions where the consumer prepares a paper check with the consumer retaining the "paper" check as an additional receipt proceeding the electronic transaction.

Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

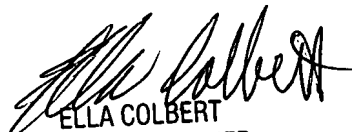
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The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 13, 2007


ELLA COLBERT
PRIMARY EXAMINER